

accurately represent the date on which these services had been rendered and with respect to tooth #5, respondent did not accurately represent the service actually rendered to the patient. Further, the review disclosed that respondent failed to use a rubber dam when performing the root canal therapy on this patient which deviates from the standard of care. The Board was advised that the respondent gave the patient credit for her outstanding balance for these services. Accordingly, in order to resolve this matter without recourse to formal proceedings and noting that this is the First Complaint brought before the Board against Dr. Hart; and for good cause shown;

IT IS ON THIS 7th DAY OF February, 1995,

HEREBY ORDERED AND AGREED THAT,

1. Respondent's license to practice dentistry shall be and hereby is suspended for a period of ninety (90) days which period of suspension shall be stayed and shall constitute a probationary period so long as respondent complies with all of the other terms of the Consent Order.

2. Respondent is hereby assessed a civil penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500). Such penalty is warranted in light of respondent's submission of a treatment date to an insurance company for services rendered which did not accurately reflect the date when the services were actually completed in violation of N.J.A.C. 13:30-8.10(b)1 as well as N.J.S.A. 45:1-21(b). The penalty shall be payable by certified check or money order to the State of New Jersey, State Board of Dentistry within thirty (30) days of the entry date of this Order and shall be submitted to the State Board of Dentistry, 124 Halsey Street, Newark, New Jersey.

3. Respondent shall successfully complete 7 hours of continuing education in ethics. This course shall be approved by the Board in writing prior to attendance utilizing the attached Pre-Approval Sheet. Respondent also shall be required to complete the attached Continuing Education Report and Proof of Attendance as proof of successful completion of the required course work. The attached forms are made a part of the within Order, and a separate form is to be used for each course. Said continuing education ordered herein shall be in addition to, and not a part of, the mandatory continuing education currently required for biennial renewal of dental registration.

In the event a continuing education course in ethics is not currently available respondent should so notify the Board. The Board will arrange for a continuing education course in ethics to be scheduled at some time in the near future and will advise respondent of its availability.

4. Respondent shall cease and desist from any and all misrepresentation or deception in the submission of insurance claims on behalf of patients in any manner whatsoever.

5. Respondent is hereby reprimanded for submitting claims to an insurance company which included a treatment date that did not accurately reflect the date when the service and procedure were actually completed. Respondent is further reprimanded for the failure to use a rubber dam during the course of performing root canal therapy on tooth #5.

6. Respondent shall make restitution to the Multiple Employer Trust Claim Office by submitting a certified check or money order made payable to Multiple Employer Trust Claim Office in the amount of

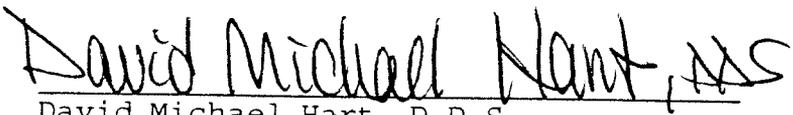
\$412.80 (for the crown on tooth #5) to the State Board of Dentistry at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, no later than the first day of the month following the entry date of this Order.

7. Respondent shall pay the costs to the State for the investigative inquiry held on September 20, 1995. Upon receipt of a statement of the total costs from Agnes Clarke, Executive Director of the Board, respondent shall submit a certified check or money order to the Board in full payment of the costs within ten (10) days of his receipt of such statement.

STATE BOARD OF DENTISTRY

By: 
Samuel Furman, D.D.S., President

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


David Michael Hart, D.D.S.